

HCS HB 1084 -- SULFUR DIOXIDE AIR QUALITY MONITORING (Miller)

COMMITTEE OF ORIGIN: Standing Committee on Energy and the Environment

This bill requires any owner of a coal-fired electric generating source in a one-hour sulfur dioxide National Ambient Air Quality Standards nonattainment area currently designated as of April 1, 2015, to develop an ambient air quality monitoring or modeling network to characterize the sulfur dioxide air quality surrounding the source. The network must adequately monitor the sulfur dioxide surrounding the source and must operate for at least 12 consecutive quarters. The owner of the source must notify the Department of Natural Resources of the manner that will be used to characterize the air quality around the source. The location of any monitoring network installed by the owner within a nonattainment area must be approved by the department.

Affected sources in an undesignated area that elects to use monitoring to evaluate air quality must be consulted by the department on the use of existing monitors as well as the location of new monitors in the network. The department must not submit a recommendation to the federal Environmental Protection Agency (EPA) on the manner in which data will be gathered for the of the designation process that is inconsistent with the elections made by the sources. If sources have elected to monitor, the department must submit recommendations for the designation process by the date set by a final, effective, and applicable EPA requirement but not prior.

The bill also requires the department to consider all ambient air quality monitoring network data collected by any owner of an electric generating source prior to proposing to the Air Conservation Commission any sulfur dioxide limitation, emission reduction requirement, or other requirement except in specified circumstances. Nothing in the provisions of the bill can prohibit the department from entering into an agreement with an owner of an electric generating source to limit or reduce sulfur dioxide emissions that is below the source's permitted rate.